

REMARKS

In the instant Action, claims 1-38 are listed as pending and subject to a restriction/election requirement. In the instant Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1-13, drawn to a hGhrelin peptide, classified in class 530, subclass 324.
- II. Claim 14, drawn to a method of identifying a compound able to bind to GHS receptor by comparing it to the affect binding of Ghrelin compound to the receptor, classified in class 436, subclass 86.
- III. Claims 15, 16-20, drawn to method for stimulating growth hormone, classified in class 514, subclass 2.
- IV. Claims 15, 21-26, drawn to method for suppressing growth hormone, classified in class 514, subclass 2.
- V. Claims 15, 27-30, drawn to treating cardiovascular disorder, classified in class 514, subclass 2.
- VI. Claims 31-34, drawn to a method for eliciting an effect mediated by ghrelin receptor agonism in a subject, classified in class 514, subclass 2.
- VII. Claims 35-38, drawn to a method for eliciting an effect mediated by ghrelin receptor antagonism in a subject, classified in class 514, subclass 2.

As indicated above, and without in any way acquiescing in the requirements set forth in the instant Action, but in order to be fully responsive to the instant Action, Applicants have elected **Group I**, as defined in the instant Action, for examination. Applicants have further elected (**Aib², Glu³(NH-hexyl)hGhrelin(1-28)-NH₂**), as Applicants' species within Group I. Said elected compound is encompassed by **claims 1-7** of Group I.

Applicants expressly reserve the right to reclaim the subject matter withdrawn in response to the restriction/election requirement by either reintroducing said subject matter into the present application or by filing a subsequent application(s).

- **Request for Rejoinder**

It should be noted that the method claims of Group II (claim 14), Group III (claims 15, 16-20), Group IV (claims 15, 21-26), Group V (claims 15, 27-30), Group VI (claims 31-34) and

Group VII (claims 35-38), are subject to rejoinder upon the allowance of product claims of Group I, pursuant to the MPEP §821.04, which provides:

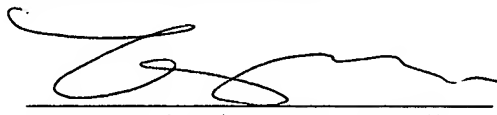
[I]f Applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowed product claim will be rejoined ... Process claims which depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance.

It should also be noted that the aforementioned method claims expressly incorporate, either directly or indirectly, the limitations of claim 1, and other product claims of Group I, by the language "of a compound of claim 1". Therefore, Applicants respectfully submit that the method claims of Groups II-VII should be rejoined upon allowance of the product claims of Group I.

Examiner Gupta is invited to telephone Applicants' undersigned attorney at (508) 478-0144 to facilitate prosecution of this application.

Date: 7/27/2007

Respectfully submitted,


Tony K. Uhm (Reg. No. 52,450)
Attorney for Applicants

Biomeasure, Incorporated
27 Maple Street
Milford, MA 01757-3650
TEL.: (508) 478-0144